

CLOSED,INTERPRETER

**U.S. District Court**  
**Northern District of Iowa (Cedar Rapids)**  
**CRIMINAL DOCKET FOR CASE #: 1:23-mj-00169-KEM-1**  
***Internal Use Only***

Case title: USA v. Magana–Ahumada

Date Filed: 09/29/2023

Other court case number: 23–MJ–571 Western District of  
Texas

Date Terminated: 09/29/2023

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Assigned to: Chief Magistrate Judge  
Kelly K.E. Mahoney

**Defendant (1)**

**Victor Magana–Ahumada**  
*TERMINATED: 09/29/2023*

represented by **Timothy Herschberger**  
Federal Public Defender's Office  
701 Pierce Street  
Suite 400  
Sioux City, IA 51101  
712 252 4158  
Email: [timothy\\_herschberger@fd.org](mailto:timothy_herschberger@fd.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Public Defender or  
Community Defender Appointment*



**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

None

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**Disposition**

**Plaintiff****USA**

represented by **Kraig Ryan Hamit**  
 US Attorney's Office  
 600 4th St  
 Suite 670  
 Sioux City, IA 51101  
 712 255 6011  
 Email: [kraig.hamit@usdoj.gov](mailto:kraig.hamit@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

Date Filed	#	Docket Text
09/29/2023		Judge update in case as to Victor Magana–Ahumada. Chief Magistrate Judge Kelly K.E. Mahoney added. No conflicts identified. (mmc) (Entered: 09/29/2023)
09/29/2023		Attorney update in case as to Defendant Victor Magana–Ahumada. Attorney Timothy Herschberger for Victor Magana–Ahumada added pursuant to the CJA Panel Administrator under the direction of Chief Magistrate Judge Kelly K.E. Mahoney. (mmc) (Entered: 09/29/2023)
09/29/2023	<u>1</u>	Rule 5 Documents Received from Western District of Texas 23–mj–571 as to Defendant Victor Magana–Ahumada. (mmc) (Entered: 09/29/2023)
09/29/2023	<u>2</u>	TEXT ORDER SETTING HEARING as to Defendant Victor Magana–Ahumada: Initial Appearance – Rule 5(c)(3) (Complaint/Warrant – Western District of Texas: 23–MJ–571) set for 09/29/2023 at 11:00 AM in Ctrm 1 (1st Floor) Sioux City, Iowa, before Chief Magistrate Judge Kelly K.E. Mahoney. Signed by United States Chief Magistrate Judge Kelly K.E. Mahoney on 09/29/2023. (JLG) (Entered: 09/29/2023)
09/29/2023	<u>3</u>	ORDER Regarding Appointment of Counsel appointing Federal Public Defender Timothy Herschberger as to Defendant Victor Magana–Ahumada: Financial Affidavit due by 10/13/2023. Signed by Chief Magistrate Judge Kelly K.E. Mahoney on 9/29/2023. (mmc) (Entered: 09/29/2023)
09/29/2023	<u>4</u>	NOTICE of Attorney Appearance: Timothy Herschberger appearing for Defendant Victor Magana–Ahumada. (Herschberger, Timothy) (Entered: 09/29/2023)
09/29/2023	<u>5</u>	MINUTE Entry for proceedings held before Chief Magistrate Judge Kelly K.E. Mahoney: Initial Appearance in Rule 5 Proceedings as to Defendant Victor Magana–Ahumada held on 9/29/2023. Court orders commitment to the Western District of Texas. Defendant detained. Order to follow. Official Court Record: FTR Gold; Interpreter Patricia Bianchi (jag) (Entered: 09/29/2023)
09/29/2023	<u>6</u>	ORAL MOTION for Detention by USA per <u>5</u> Minutes as to Victor Magana–Ahumada (jag) (Entered: 09/29/2023)
09/29/2023	<u>7</u>	ORDER Pursuant to the Due Process Protections Act as to Defendant Victor Magana–Ahumada. Signed by Chief Magistrate Judge Kelly K.E. Mahoney on 9/29/2023. (jag) (Entered: 09/29/2023)
09/29/2023	<u>8</u>	WAIVER of Rule 5 & 5.1 Hearings by Defendant Victor Magana–Ahumada (jag) (Entered: 09/29/2023)

09/29/2023	<u>9</u>	SEALED CJA 23 Financial Affidavit by Defendant Victor Magana–Ahumada (jag) (Entered: 09/29/2023)
09/29/2023	<u>10</u>	ORDER of Detention as to Defendant Victor Magana–Ahumada. The court grants the 6 oral motion for detention and orders Defendant be detained. An order committing Defendant to the Western District of Texas will issue by separate order. Signed by Chief Magistrate Judge Kelly K.E. Mahoney on 9/29/2023. (jag) (Entered: 09/29/2023)
09/29/2023	<u>11</u>	COMMITMENT to Another District as to Defendant Victor Magana–Ahumada. Defendant committed to Western District of Texas. Signed by Chief Magistrate Judge Kelly K.E. Mahoney on 9/29/2023. (eUSM, certified copy of record to Western District of Texas) (jag) (Entered: 09/29/2023)

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VICTOR MAGANA-AHUMADA,

Defendant.

Case No. 23-MJ-169-KEM

ORDER REGARDING  
APPOINTMENT OF COUNSEL

**1. THE COURT FINDS:** [Check one]

- ☒ The Defendant is charged with a felony or with a misdemeanor other than a petty offense.
- ☐ The Defendant is charged with civil or criminal contempt and faces loss of liberty.
- ☐ The Defendant is charged with a violation of probation, faces a change of a term or condition of probation, is charged with a violation of pretrial/supervised release, faces modification of a term of supervised release, or faces revocation of pretrial/supervised release.
- ☐ A request is before the Court to appoint counsel for \_\_\_\_\_ who is either a witness, the subject or target of a criminal investigation, or is subject to counsel under other matters, and who may have exposure to criminal liability and is need of legal representation.

**2. IT IS HEREBY ORDERED:** [Check one]

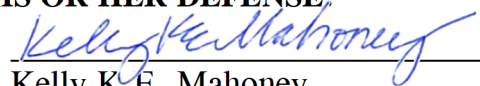
- ☒ The Federal Public Defender, **Timothy Herschberger**, is appointed to represent the Defendant.
- ☐ CJA Panel Attorney \_\_\_\_\_ is appointed to represent the Defendant.
- ☒ This appointment shall automatically be transferred to any related criminal case for Defendant (filed in this District) and become effective upon the filing of an unsealed indictment or at the first court appearance required of Defendant.
- ☒ If no CJA Form 23 Financial Affidavit has been submitted in this case in the past twelve (12) months, then counsel appointed herein shall submit a completed CJA Form 23 to the Judge issuing this Order within fourteen (14) days from the date of this Order. This Order appointing counsel is subject to Defendant satisfying the Court of Defendant's qualification for court-appointed counsel under 18 U.S.C. § 3006A. The date of last CJA 23 Form entered for this Defendant is N/A (no Form CJA 23 filed).
- ☐ Defendant's request for court-appointed counsel is **DENIED**.

**3. [Check if applicable]**

- ☐ **IT IS FURTHER ORDERED** that Defendant shall pay \$\_\_\_\_\_ per month to the Clerk of Court to partially defray the costs of this representation, until a total of \$\_\_\_\_\_ is paid. The first payment shall be made by \_\_\_\_\_. Subsequent monthly payments shall be made by the \_\_\_\_\_ of each month. If Defendant's financial circumstances change significantly, then Defendant may file an amended financial affidavit, and the Court will consider whether the payment plan should be changed.

**4. DEFENDANT IS ADVISED THAT HE OR SHE MAY BE ORDERED AT THE TIME OF SENTENCING TO CONTRIBUTE TO THE COST OF HIS OR HER DEFENSE.**

**SO ORDERED** on September 29, 2023.

  
\_\_\_\_\_  
Kelly K.E. Mahoney  
United States Chief Magistrate Judge  
Northern District of Iowa

UNITED STATES DISTRICT COURT  
for the  
Northern District of Iowa

United States of America

*Plaintiff*

v.

VICTOR MAGANA-AHUMADA

*Defendant*

Case No. 23-MJ-169-KEM

APPEARANCE OF COUNSEL

To: The clerk of court and all parties of record

I am admitted or otherwise authorized to practice in this court, and I appear in this case as counsel for:

VICTOR MAGANA-AHUMADA

Date: 09/29/2023

/s/ Timothy Herschberger

*Attorney's signature*

Timothy Herschberger

*Printed name and bar number*

701 Pierce Street, Suite 400  
Sioux City, IA 51101

*Address*

Timothy\_Herschberger@fd.org

*E-mail address*

(712) 252-4158

*Telephone number*

(712) 252-4194

*FAX number*

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF IOWA**

UNITED STATES OF AMERICA,  
Plaintiff,  
  
vs.  
  
VICTOR MAGANA-AHUMADA,  
Defendant.

**HEARING MINUTES** Sealed: No  
Case No.: 23-MJ-169-KEM  
Presiding Judge: Kelly K.E. Mahoney, Chief Magistrate  
Judge  
Deputy Clerk: jag  
Official Court Record: FTR Gold Contract? --  
Contact Information: --

Date:	9/29/2023	Start:	11:05 a.m.	Adjourn:	11:14 a.m.	Courtroom:	SC First Floor				
Recesses:					Time in Chambers:				Telephonic?	No	
Appearances:	Plaintiff:	AUSA Kraig Hamit									
	Defendant:	AFPD Timothy Herschberger (defendant appears personally)									
	U.S. Probation:	Samuel Peterson									
	Interpreter:	Patricia Bianchi			Language:	Spanish	Certified:	Y	Phone:	Y	
<b>TYPE OF PROCEEDING:</b>		<b>INITIAL APPEARANCE:</b>		X	<b>AND/OR</b>		<b>ARRAIGNMENT:</b>				
					Contested?	No	Continued from a previous date?		No		
	Charging District's Documents:		Arrest Warrant and Criminal Complaint filing in Western District of Texas filed on 9/27/2023								
	Was defendant <i>Mirandized</i> ?		Yes								
	Counsel:	Retained:		or	Appointed:	X	FPD/Other:	Timothy Herschberger			
					Did defendant provide financial affidavit?		Yes				
	Did the government move for detention?			Yes	Was the defendant detained?		Yes				
	Was a detention hearing set?		No	Date:							
	Was a preliminary hearing set?		No	Date:							
	<b>Witness/Exhibit List is</b>		--								
	The offering party must, within 3 days after the hearing, file in electronic form any exhibit that was not filed with a motion, resistance, or other filing related to this hearing. Pub. Admin. Order 09-AO-03-P (5/29/09) ¶7.										
	<b>Miscellaneous:</b>		Court advises of rights under the Due Process Protections Act. Defendant waives his right to an identity hearing and any preliminary or detention hearing in this district. The Court finds these are knowing and voluntary waivers. The Government's oral motion for detention is granted. Court orders Commitment to the Western District of Texas. Orders to follow.								

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VICTOR MAGANA-AHUMADA,


Defendant.

No. 23-mj-169-KEM

**ORDER**

Pursuant to the Due Process Protections Act, the Court confirms the United States' obligation to disclose to the defendant all exculpatory evidence—that is, all evidence that favors the defendant or casts doubt on the United States' case—as required by *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, and ORDERS the United States to do so. Failure to disclose exculpatory evidence in a timely manner may result in consequences, including, but not limited to, exclusion of evidence, adverse jury instructions, dismissal of charges, contempt proceedings, disciplinary action, or sanctions by the Court.

IT IS SO ORDERED this 29th day of September, 2023.

  
\_\_\_\_\_  
Kelly K.E. Mahoney  
United States Chief Magistrate Judge  
Northern District of Iowa



AO 466A (Rev. 07/16) Waiver of Rule 5 &amp; 5.1 Hearings (Complaint or Indictment)

## UNITED STATES DISTRICT COURT

for the

Northern District of Iowa

United States of America

v.

Victor Magana-Ahumada

*Defendant*

Case No. 23-mj-169-KEM

Charging District's Case No. PE: 23-mj-571

**WAIVER OF RULE 5 & 5.1 HEARINGS  
(Complaint or Indictment)**I understand that I have been charged in another district, the *(name of other court)* \_\_\_\_\_

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

- ☐ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☒ an identity hearing, production of the warrant, and any preliminary or detention hearing to which I may be entitled in this district. I request that any preliminary or detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 9/29/23Victor Magana*Defendant's signature*Timothy Herschberger*Signature of defendant's attorney*

Timothy Herschberger

*Printed name of defendant's attorney*



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

VICTOR MAGANA-AHUMADA,

Defendant.

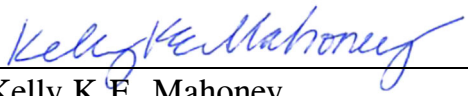
Case No. 23-MJ-0169-KEM

**ORDER OF DETENTION**

At the initial appearance hearing (Doc. 5), the United States orally moved to detain Defendant pending further hearing (Doc. 6). Defendant knowingly and voluntarily waives hearings in the Northern District of Iowa, and a signed Waiver of Rule 5 and 5.1 hearings is filed (Doc. 8) requesting hearings in the prosecuting district.

The court **GRANTS** the oral motion for detention (Doc. 6) and orders Defendant be detained. An order committing Defendant to the Western District of Texas will issue by separate order.

**SO ORDERED** on September 29, 2023.

  
\_\_\_\_\_  
Kelly K.E. Mahoney  
Chief United States Magistrate Judge  
Northern District of Iowa

## UNITED STATES DISTRICT COURT

for the

Northern District of Iowa

United States of America )

v. )

Victor Magana-Ahumada )

Case No. 23-MJ-0169-KEM )

Charging District's )

Case No. 23-MJ-571 )

Defendant

## COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the Western District of Texas,  
 (if applicable) N/A----- division. The defendant may need an interpreter for this language:  
N/A-----.

The defendant: ☐ will retain an attorney.  
☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

**IT IS ORDERED:** The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: 09/29/2023



*Judge's signature*

Kelly K.E. Mahoney, Chief United States Magistrate Judge

*Printed name and title*